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2 3	MARK L. KROTOSKI (CASBN 138549) Chief, Criminal Division		
4	JEFFREY D. NEDROW (CSBN 161299) Assistant United States Attorney		
<ul><li>5</li><li>6</li></ul>	Attorneys for Plaintiff United States of America		
7 8	150 Almaden Boulevard, Suite 900 San Jose, California 95113 Telephone: (408) 535-5045		
9	IN THE UNITED STATES DISTRICT COURT		
10	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
11			
12	UNITED STATES OF AMERICA,	No. CR 05-00531-JF	
13	Plaintiff,		
14	v.	) STIPULATION AND [P <del>ROPOSED</del> ] ORDER RE: CONTINUANCE OF PLEA HEARING	
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17	Defendant.		
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19	The parties, by and through their counsel of record, hereby stipulate to the following:		
20	1. The parties request that the Court continue the plea hearing presently set for January		
21	24, 2007 to February 14, 2007 at 9:00 a.m.		
22	2. The parties stipulate and request that the Court find the following as a factual basis for		
23	continuing the plea hearing:		
24	The parties are continuing their discussions regarding an appropriate disposition in this		
25	case. Both parties have exchanged ideas and information pertinent to the disposition, and are		
26	considering the parameters of a possible disposition. Such consideration on the part of both		
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parties is necessary to making an informed decision regarding the plea and/or continuing with trial preparation. Additional time is required to complete the above-referenced evaluation by the respective parties and to afford time for the parties to complete negotiations stemming from the above-referenced matters and either resolve the case or prepare for trial.

3. The parties agree that the time between January 24, 2007 and February 14, 2007 shall be excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in an earlier trial specifically based on the need for counsel to have adequate time to complete their consideration of the totality of the discovery, and subsequently developed information, in connection with a possible disposition. The parties therefore agree that a continuance is necessary to ensure that counsel are prepared to make informed decisions regarding the case, and denial of such a continuance would unreasonably deny defendant Herrera effective case preparation pursuant to 18 U.S.C. § 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

KEVIN V RYAN

	United States Attorney
DATE	JEFFREY D. NEDROW Assistant United States Attorney
DATE	ROBERT LYONS Attorney for Roland Herrera

		**E-filed 1/24/07**
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8	UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
0	UNITED STATES OF AMERICA, ) No	O. CR 05-00531-JF
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3	v. ) <u>Ol</u>	RDER CONTINUING PLEA EARING AND EXCLUDING TIME
4	)	LAKING AND LACEODING TIME
5	)	
6	Defendant.	
7	7 FOR THE REASONS SET FORTH ABOVE	IN THE STIPULATION BETWEEN THE
8	8 PARTIES IT IS HERERY ORDERED that the plead	panning in the above referenced case is

FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES, IT IS HEREBY ORDERED that the plea hearing in the above-referenced case is continued from January 24, 2007 to February 14, 2007 at 9:00 a.m.

The Court finds the time from January 24, 2007 to February 14, 2007 excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The Court finds that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial specifically based on the need for counsel to have adequate time to complete their consideration of the totality of the discovery, and subsequently developed information, in connection with a possible disposition. The Court finds

1	that a continuance is necessary to ensure that counsel are prepared to make informed decisions		
2	regarding the case. The Court further finds that denial of such a continuance would unreasonably		
3	deny defendants effective case preparation pursuant to 18 U.S.C. § 3161(h)(8)(A) and		
4	3161(h)(8)(B)(iv).		
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6	DATE: 1/23/07		
7	UNITED STATES LISTRICT JUDGE		
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